

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. EP 704 (Sub-No. 1)

REVIEW OF COMMODITY, BOXCAR, AND TOFC/COFC EXEMPTIONS

Decided: June 19, 2019

On March 19, 2019, the Board granted a petition by the American Forest & Paper Association (AF&PA) and the Institute of Scrap Recycling Industries, Inc. (ISRI), to waive the Board's prohibition on ex parte communications to permit interested stakeholders to meet with Board members to discuss the issues raised in this proceeding. Parties were permitted to meet with Board members between March 19, 2019, and June 17, 2019, and were instructed to submit to the Board member office with whom the meeting was held a memorandum that states the date and location of the communication, lists the names and titles of all persons who attended (including via phone or video) or otherwise participated in the meeting during which the ex parte communication occurred, and summarizes the data and arguments presented during the ex parte communication. Parties were also directed to submit their memoranda no later than two business days after the ex parte communication, and interested parties were allowed 10 days from the close of the ex parte communication period to submit written comments in response to the memoranda.

On June 13, 2019, AF&PA and ISRI filed a request to extend the time for the submission of the required memoranda. AF&PA and ISRI state that they and certain of their respective members held more than 24 ex parte meetings with each Board member between June 4, 2019 and June 12, 2019, and that 12 additional ex parte meetings were scheduled for June 13 and 14, 2019. AF&PA and ISRI assert that, due to the large number of back-to-back meetings, they and their respective members have not been able to timely submit all their memoranda within the required two business days. AF&PA and ISRI request that the Board extend the time to submit memoranda for these ex parte communications to no later than June 21, 2019.

For good cause shown, an extension will be granted to provide additional time for AF&PA, ISRI, and their respective members to submit their memoranda summarizing the ex parte communications with each Board member office. See 49 C.F.R. § 1104.7(b). Accordingly, AF&PA, ISRI, and their respective members will be permitted to submit their memoranda to the Board by no later than June 21, 2019. In light of this action, the Board will extend the deadline for comments submitted in response to the memoranda to July 2, 2019.

It is ordered:

1. AF&PA and ISRI's request to extend the deadline for the submission of their and their members' memoranda is granted; the memoranda are due by June 21, 2019.
2. Comments in response to the memoranda are due by July 2, 2019.
3. This decision is effective on its service date.

By the Board, Allison C. Davis, Director, Office of Proceedings.